

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**


2 Serial No. 10/693,854
3 Filing Date 10/24/2003
4 Confirmation No. 3939
5 Inventorship Robert A. Relyea
6 Applicant Microsoft Corporation
Group Art Unit 2176
7 Examiner
8 Attorney's Docket No. MS1-1780US
9 Title: Programming Interface for a Computer Platform

10 **INFORMATION DISCLOSURE STATEMENT AND**
11 **CERTIFICATIONS UNDER 37 CFR 1.97(e)(1) AND 1.704(d)**

12 The listed citations were cited in a Communication from a foreign patent
13 office in a counterpart foreign application, and are being submitted in compliance
14 with the duty of disclosure defined in 37 CFR §1.56. Copies of the citations and
15 the Communication are attached. The Examiner is requested to make these
16 citations of official record in this application.
17
18
19
20
21
22
23
24
25

Date: 2-28-06

Respectfully Submitted,

By: 
Steven R. Sponseller
Reg. No. 39384

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number	10693854
Filing Date	2003-10-24
First Named Inventor	Robert A. Relyea
Art Unit	2176
Examiner Name	
Attorney Docket Number	MS1-1780US

U.S. PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20030026885	A1	2003-02-06	Smith, Adam W.; et al.	
	2	20030101439	A1	2003-05-29	Desoli, Giuseppe; et al.	
	3	20030167277	A1	2003-09-04	Hejlsberg, Anders; et al.	
	4	20030167355	A1	2003-09-04	Smith, Adam W.; et al.	
	5	20030167356	A1	2003-09-04	Smith, Adam W.; et al.	
	6	20030172196	A1	2003-09-11	Hejlsberg, Anders; et al.	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Not for submission under 37 CFR 1.99)

Application Number	10693854
Filing Date	2003-10-24
First Named Inventor	Robert A. Relyea
Art Unit	2176
Examiner Name	
Attorney Docket Number	MS1-1780US

7	20030177262	A1	2003-09-18	Hejlsberg, Andres; et al.
---	-------------	----	------------	---------------------------

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	EP0371941			1990-05-08	IBM (US)		<input type="checkbox"/>
	2	EP0650773			1998-08-26	ALSTHOM CGE ALCATEL (FR)		<input type="checkbox"/>
	3	EP1283465			2003-02-12	HEWLETT PACKARD CO (US)		<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT****(Not for submission under 37 CFR 1.99)**

Application Number	10693854
Filing Date	2003-10-24
First Named Inventor	Robert A. Relyea
Art Unit	2176
Examiner Name	
Attorney Docket Number	MS1-1780US

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☒ None

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

AUSTRALIAN PATENT OFFICE

SEARCH REPORT

306460.22

Applicant's or agent's file reference MH/FM/6002540SGC(2004)		
Application No. SG 200406481-2	Application Filing Date (day/month/year) 10 September 2004	(Earliest) Priority Date (day/month/year) 24 October 2003
Applicant Microsoft Corporation (US)		



This search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. ☐ Certain claims were found unsearchable (See Box I)
2. ☐ Unity of invention is lacking (See Box II)
3. ☐ The application contains disclosure of a nucleotide and/or amino acid sequence listing and the search was carried out on the basis of the sequence listing
 - ☐ filed with the application
 - ☐ furnished by the applicant separately from the application,
 - ☐ but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in application as filed
4. With regard to the title,
 - ☒ the text is approved as submitted by the applicant.
 - ☐ the text has been established by this Office to read as follows:
5. With regard to the abstract,
 - ☒ the text is approved as submitted by the applicant
 - ☐ the text has been established by this Office as it appears in Box III
6. The figure of the drawings to be published with the abstract is Figure No. 2

DOCKETED
 FEB 24 2006
 LEE & HAYES PLLC

- ☒ as suggested by the applicant.
 - ☐ because the applicant failed to suggest a figure
 - ☐ because this figure better characterises the invention
 - ☐ None of the figures

AUSTRALIAN PATENT OFFICE

SEARCH REPORT

Application No.

SG 200406481-2

A. CLASSIFICATION OF SUBJECT MATTER

According to International Patent Classification (IPC)

Int. Cl. ⁷ G06F 19/45, 19/40

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the search (name of data base and, where practicable, search terms used)

DWPI & WIPO: G06F 9/40, 9/45, platform, interface, model, framework, program⁺, namespace, CLS, API, CLR

USPTO: namespace, API, CLS, CLR

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0371941 B (IBM Corporation), 3 July 1996 Whole document, for example column 4 line 9 – column 5 line 13, figures etc	1-34
X	EP 0860773 A (Alcatel), 26 August 1998 Whole document, for example column 2 line 47 – column 3 line 38, figures etc	1-34
X	US 20030028685 A (Smith et al), 6 February 2003 Whole document	1-34

☒ Further documents are listed in the continuation of Box C

☒ See patent family annex

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"B" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"Z" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of submission of the request to the Australian Patent Office

14 July 2005

Date of completion of the search report

21 October 2005

Date of mailing of the search report

11 NOV 2005

Name and mailing address

AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaustralia.gov.au
Facsimile No. 61 2 62853929

Authorised officer

MATTHEW HOLLINGWORTH

AUSTRALIAN PATENT OFFICE

SEARCH REPORT

Application No.

SG 200406481-2

C (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1283465 A (HP Company), 12 February 2003 Whole document, for example paragraphs 13-17, figures etc	1-34
X	US 20030101439 A (Desoli et al), 29 May 2003 Whole document, for example paragraphs 8-10, figures etc	1-34
X	US 20030167277 A (Hejlsberg et al), 4 September 2003 Whole document	1-34
X	US 20030167355 A (Smith et al), 4 September 2003 Whole document	1-34
X	US 20030167356 A (Smith et al), 4 September 2003 Whole document	1-34
X	US 20030172196 A (Hejlsberg et al), 11 September 2003 Whole document	1-34
X	US 20030177282 A (Hejlsberg et al), 18 September 2003 Whole document	1-34

AUSTRALIAN PATENT OFFICE

SEARCH REPORT

PATENT FAMILY MEMBERS

Application No.

SG 200406481-2

Patent Document Cited in Search Report			Patent Family Member		
✓EP	0371941	BR 8906001	JP 2201653	US 5097533	
✓EP	0860773	JP 10240509	US 6052527		
✓US	2003028685				
✓EP	1283465	JP 2003108388	US 2003013593		
✓US	2003101439	EP 1316883	JP 2003196108		
✓US	2003167277	US 6920461			
✓US	2003167355				
✓US	2003167356				
✓US	2003172196				
US	2003177282				
Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.					
END OF ANNEX					

AUSTRALIAN PATENT OFFICE

300460.21

WRITTEN OPINION

Date of mailing <i>day/month/year</i>		11 NOV 2005
Applicant's or agent's file reference MH/FM/6002540SGC(2004)		REPLY DUE within FIVE MONTHS of the date of the Registrar's letter enclosing the written opinion
Application No. SG 200406481-2	Application Filing Date (<i>day/month/year</i>) 10 September 2004	Priority Date (<i>day/month/year</i>) 24 October 2003
International Patent Classification (IPC) (as indicated in the search report) Int. Cl.⁷ G06F 9/45, 9/40		
Applicant Microsoft Corporation (US)		

1. This First written opinion consists of a total of 4 sheets.
2. This opinion contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
III	<input type="checkbox"/>	Lack of unity of invention
IV	<input checked="" type="checkbox"/>	Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
V	<input type="checkbox"/>	Certain documents cited
VI	<input type="checkbox"/>	Certain defects in the application
VII	<input checked="" type="checkbox"/>	Certain observations on the application
3. This opinion is based upon the assumption that the priority claim is valid.
4. The search report used was issued by the Australian Patent Office, and the date of completion is: 19 October 2005
5. If no reply is filed, the examination report will be established on the basis of this opinion.
6. The date by which the examination report will be established is: 24 January 2008

Name and mailing address AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2605, AUSTRALIA E-mail address: pct@paustalis.gov.au Facsimile no. 61 2 62853929	Authorized Officer MATTHEW HOLLINGWORTH
--	---

I. Basis of the opinion

1. This opinion has been drawn on the basis of:

- ☒ the application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the request,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , filed with the request,
pages , received on with the letter of
- ☐ the drawings, sheets/fig. , as originally filed,
sheets/fig. , filed with the request,
sheets/fig. , received on with the letters of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. The amendments have resulted in the cancellation of: pages:
sheets of drawings/figures No :

3 ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box.

4. Additional observations, if necessary:

IV. Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1-34	NO
Inventive step (IS)	Claims	YES
	Claims 1-34	NO
Industrial applicability (IA)	Claims 1-34	YES
	Claims	NO

2. Citations and explanations

1. Citations

The following documents identified in the Search Report are relevant:

- D1. EP 0371941 B (IBM Corporation), 3 July 1989
- D2. EP 0860773 A (Alcatel), 26 August 1998
- D3. US 20030028685 A (Smith et al), 6 February 2003
- D4. EP 1283465 A (HP Company), 12 February 2003
- D5. US 20030101439 A (Desoli et al), 29 May 2003
- D6. US 20030167277 A (Hejlsberg et al), 4 September 2003
- D7. US 20030167355 A (Smith et al), 4 September 2003
- D8. US 20030167356 A (Smith et al), 4 September 2003
- D9. US 20030172196 A (Hejlsberg et al), 11 September 2003
- D10. US 20030177282 A (Hejlsberg et al), 18 September 2003

2. Novelty and inventive step

- a. The invention defined in claims 1-34 is not novel and lacks inventiveness when compared with documents D1 - D5; all of which disclose a programming interface for a computing platform allowing a developer to call functions or services from the operating system and allowing the development of software using multiple languages by sharing a common framework; substantially as claimed.
- b. The invention defined in claims 1-34 appears to lack novelty and inventiveness when compared with documents D6 - D10. All the cited documents disclose the essential features as identified under the heading Descriptive Support in box VII. For example, see D6, in particular abstract, paragraphs 11, 13, 15, 31, 39-42, 44-50, figures 1-4 etc.

VII. Certain observations on the application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Clarity

- a. Claim 1 is not clear because the working inter-relationship between the listed integers is not apparent. I cannot therefore understand the scope of what is being claimed.
- b. Claims 1, 17, 23, 26, and 30 are not clear. In particular, phrases such as *group of services* (claims 1, 17 and 23), and *functions or set of functions* (claims 26 and 30) are of a general nature and of indefinite scope. It is also not apparent whether *services* and *functions* are intended to be the same as, or different from, each other. It is noted that in patent claims, different words are taken to be defining different things; however the context suggests that a single thing may be referred to.

2. Descriptive Support

- a. Claims 1, 17, 23, 26 and 30 do not define the invention described because they omit many features which, from reading the specification as a whole, appear to be essential to the invention. These features include:
 - Adapting and deploying the programming interface for use on a distributed computing environment, see specification page 4 line 15 – page 5 line 11.
 - Permitting multi-language development and seamless integration by supporting multiple languages, see specification page 9 lines 15-16.
 - The structure of the programming interface framework, such as having CLS, API, CLR and OS/Services layers, see page 11 line 9 – page 15 line 4, figures 1-2.
 - The use of namespaces to group together like types that provide a specific set of related functionality, see page 12 lines 20-23, figure 3.
 - The sharing of a common programming model between different services/functions (claim 1), see specification page 16 lines 6-15, figures.

- ☒ The claimed invention is patentable according to Section 13(2); or
- ☐ The claimed invention is unpatentable according to Section 13(2) because:

SEARCH INFORMATION STATEMENT

Application No.: SG200406481-2

IPC Classification: G06F 9/45, 9/40

Search(s) relied on: -

Other search results considered:

AUSTRALIAN SEARCH REPORT

Reason for search: Original search ☒
Additional search ☐ - Whole contents top-up ☐
- Claims not covered by existing search ☐
- Other:

Claims not searched and reason:

Search team: JT, CR

Databases consulted & search strategy:

DWPI & WIPO: G06F 9/40, 9/45, platform, interface, model, framework, program*, namespace, CLS, API, CLR

USPTO: namespace, API, CLS, CLR

SEARCH RESULTS

(Citation of document, with indication, where appropriate, of the relevant passages followed by the category and claim no(s))

AU Search completion date: 21.10.2005

DOCUMENTS CITED IN EXAMINATION OR OTHERWISE RELEVANT

(Provide reference during examination. Source of additional search results should be indicated eg S4(s) or S27)

EP 0371941 B (IBM Corporation), 3 July 1989
EP 0860773 A (Alcatel), 26 August 1998
US 20030028685 A (Smith et al), 6 February 2003
EP 1283465 A (HP Company), 12 February 2003
US 20030101439 (Desoli et al), 29 May 2003
US 20030167277 A (Hejlsberg et al), 4 September 2003
US 20030167355 A (Smith et al), 4 September 2003
US 20030167356 A (Smith et al), 4 September 2003
US 20030172196 A (Hejlsberg et al), 11 September 2003
US 20030177282 A (Hejlsberg et al), 18 September 2003

Examiner: S. MA Section: C4

SIS completion/revision date: 24.10.2005

- End SIS -